

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KENNETH ALAN FIZER,

Plaintiff,

No. 14-cv-10786

vs.

Hon. Gerald E. Rosen

BURTON POLICE DEPARTMENT
and SMITTY'S TOWING,

Defendants.

_____ /

OPINION AND ORDER DISMISSING
DEFENDANT SMITTY'S TOWING, WITHOUT PREJUDICE

At a session of said Court, held in
the U.S. Courthouse, Detroit, Michigan
on August 6, 2014

PRESENT: Honorable Gerald E. Rosen
United States District Chief Judge

On June 16, 2014, the Court entered an Opinion and Order granting Defendant Burton Police Department's Motion to Dismiss and dismissed the Department from this action, with prejudice. In that same Order, the Court ordered Plaintiff to show cause in writing by June 30, 2014 why his complaint against Smitty's Towing should not be dismissed for lack of prosecution pursuant to Fed. R. Civ. P. 4(m).

As of this date, Plaintiff has not responded to the Court's Show Cause Order.
Therefore,

IT IS HEREBY ORDERED that Plaintiff's Complaint against Smitty's Towing

be, and hereby is, dismissed, without prejudice.

Smitty's Towing being the only remaining defendant in this action, Judgment shall be entered accordingly.

s/Gerald E. Rosen
Chief Judge, United States District Court

Dated: August 6, 2014

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on August 6, 2014, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager, (313) 234-5135